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Marlene H. Dortch  
Secretary,  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Atlanta Interfaith Broadcasters, Inc., Notice of Ex Parte Communication, MB  
Docket 14-261, Carriage of local programmers on OTT

The undersigned, counsel for Atlanta Interfaith Broadcasters (AIB), met today with Mary Beth Murphy, Martha Heller, Steve Broekhart, and Brendan Murray of the Media Bureau and Phil Verveer of the International Bureau to provide this update of comments AIB filed in this docket in 2015.

AIB is a local, nonprofit, cable programmer that is concerned with Over-the-Top (OTT) distributors who are not carrying local programmers, such as AIB. AIB has a full-time cable channel that is currently carried by Comcast and AT&T's U-Verse to more than 2 million households in Atlanta. It enjoys not insignificant ratings. AIB recently sought carriage on two OTT providers in Atlanta. Both companies turned AIB down. AIB believes that OTT will "de-localize" the video programming market. It could put local programmers like AIB out of business and substantially curtail dissemination of local news and information. OTT may bring about the most radical change in the video marketplace since the advent of broadcast television.

At the outset, AIB wants to make it clear that it is not a broadcast television station entitled to must-carry rights. Nor is it a Public Educational or Governmental channel (PEG). Rather, as the history below explains, it is a local programmer that has been carried by cable systems in Atlanta for more than two decades because cable executives thought community programming deserved a place on their systems.

AIB's program lineup is a mix of public service, community, educational, instructional, and religious programming from all faiths. Examples of its educational offerings include programs from The Carter Center and the Emory University Center for Law and Religion and series like *Jews in the South*, *En Francis*, *Women in the Quran*, and *Trail of Tears*. Its programming schedule and a stream of its cable channel are online at aibtv.com. Much of the programming is produced or acquired by AIB itself. For

example, it recently obtained permission from Akbar Ahmed, former United Nations Ambassador from Pakistan and now professor at American University, to air his interfaith documentary *Journey into Europe* about Islam's influence on European culture and learning and on Jewish and Christian theology. Member churches, mosques, and synagogues and the nonprofit community in Atlanta also provide programming. AIB does not accept programming containing advertising or financial solicitations. There have been similar local and national efforts in the past, but many have not survived.

While AIB itself is not regulated, it historically has been greatly affected by the vicissitudes of national telecommunications policy. It was founded by Rev. John Allen in the 1960s. He was fond of saying he was a rocket scientist because he worked for NASA before ordination as a Presbyterian minister and a move to Atlanta. His original purpose in founding AIB was to allow teenagers in his church to shoot community and public interest videos. Rev. Allen would put a stack of video tapes in his car, drive to local television stations, and ask managers to broadcast the videos on Sunday morning to meet FCC requirements for public service programming. When the FCC eliminated the requirements, Rev. Allen asked local cable systems to carry the videos. Over time, his efforts were rewarded with a full-time cable channel on all the cable systems in Atlanta.

The must-carry requirements of the Cable Act of 1992 posed a serious threat to AIB. Anticipating passage, a national religious broadcaster purchased a failing UHF station outside Atlanta and began broadcasting its brand of Christian programming. Cable executives were not sure if they had room to carry AIB's interfaith programming, which they favored, if must-carry required them to add the religious broadcaster. For this reason, AIB joined Turner Broadcasting's unsuccessful challenge to the Cable Act. *Turner Broadcasting System, Inc. v. FCC*, 512 U.S. 622 (1994). Fortunately technology saved AIB. Atlanta cable systems were able to expand channel capacity enough to carry AIB as well as the religious broadcaster.

Upon Rev. Allen death, AIB's board of directors turned to professional management and hired the current president, Collie Burnett. Mr. Burnett, who is African American, has observed that AIB may be the largest, minority-controlled, local, cable programmer in the country. AIB's interfaith board is one reason for its success. The board typically includes at least one Catholic, Protestant, Jew, and Muslim and, at one time, a Buddhist. This has helped insure that all faiths get a fair share of carriage.

OTT is the threat now. Capacity is not the issue though. Google Fiber operates in Atlanta and includes an OTT offering to customers. Its system has about 200 channels. Three of these are from one national religious broadcaster, but all three carry essentially the same programs. AIB requested carriage by letter to Google Fiber. AIB's request was turned down, and no reason given. Google Fiber does carry most of the broadcast television stations in Atlanta. AT&T's new OTT offering is called DirecTV Now. AIB submitted a twelve-page application for carriage. The basic package for DirecTV Now, which is advertised at \$35 per month, has 100 channels, but pricier packages offer many more channels. DirecTV did not elect to carry AIB and carries only one of the local television stations.

The Supreme Court in *Turner* did not foresee this development. Writing for the majority, Justice Kennedy observed: “Indeed, given the rapid advances in fiber optics and digital compression technology, soon there may be no practical limitation on the number of speakers who may use the cable medium.” 512 U.S. 639.

While there may be no practical limitations now, there seem to be other ones. Unlike cable television, OTT companies typically do not have local offices. They lean towards a single, national programming line-up. They obviously can and do include local signals if they choose, but they apparently prefer not to do this. AIB said OTT was moving in this direction in the comments it filed in the MVPD proceeding Docket MB 14-261 in 2015. This possibility has now come to pass. The future danger is that cable systems will respond to OTT competition by abandoning their current, ample channel offerings in favor of the narrower approaches of their OTT competitors. The result may be a video marketplace dominated by national program packages to the exclusion of local news and information and the programmers who provide them.

Very truly yours,

James H. Johnston